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## **BUNCOMBE COUNTY SHERIFF EVIDENCE ROOM INVENTORY AUDIT REPORT**

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**May 2007**

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### **EXECUTIVE SUMMARY**

#### **PURPOSE AND SCOPE**

The purpose of this audit was to inventory and account for all evidence and property that had been received, entered and disposed during the administration of Sheriff Bobby Medford. The scope of this audit was all physical evidence, evidence entry sheets (green sheets) and Clerk of Court disposition records on file as of December 4, 2006.

#### **SUMMARY OF AUDIT RESULTS**

As part of the sheriff transition review, we selected a 30 item sample from the Evidence Inventory Database. The selected items included cash, weapons, drugs and vehicles. The audit disclosed that 50 percent of the sample was no longer in evidence inventory; 27 percent of the sample could not be located; and 14 percent of located items had been compromised. With a 91 percent error rate, the audit was expanded to a complete inventory before evidence rooms were released to the new Sheriff's administration.

There was poor inventory management and a lack of consistent entry of the evidence into the inventory database. Evidence was stored in an unorganized manner; it was stacked on the floor, placed loose on shelves, stacked in cabinets or stored in file drawers. During the audit process many evidence bags were found open with the contents missing, evidence bags containing items had no identification numbers, evidence was found with all copies of green sheets still attached never having been entered in the database and many loose evidence items had no identifying numbers. The lack of controls and management in the evidence room created an environment that could lead to previous court convictions being overturned or future cases being compromised.

During the inventory, we were unable to locate any documentation or records regarding the disposition of \$217,769. In addition 233 hand guns and 114 shotguns/rifles could not be located. Drugs from 1,318 green sheets could not be located nor could sheriff staff prove the drugs had been destroyed if directed by Court disposition records. Numerous evidence items were found with no case identification markings including drugs, guns and rape kits. These unidentified items have been compromised and are no longer useful for Court action.

The inventory revealed major chain of custody issues that brought into question the integrity of all physical evidence stored in evidence rooms. Green sheets did not have custody change signatures recorded, items signed out as destroyed or returned to owner were still in evidence inventory and many original green sheets were missing.

## **FINDINGS AND RECOMMENDATIONS**

### **Sample Test**

**Finding:** We selected a random sample of 30 items to locate, evaluate security controls and prove chain of custody records were current. We found a 91 percent error rate. Specifically, 50 percent of the sample was no longer in evidence inventory; 27 percent of sample could not be located; and 14 percent of items located had been compromised. All confiscated evidence vehicles had been removed from the Sheriff impound lot to Honeycutt Wrecker storage lot; only 6 vehicles remained. A \$54,925 cash item had been opened, \$10,000 had been removed per sheriff staff, and the original green sheet listed no custody change information. A copy of the green sheet with custodial changes, signatures and listing of removals of cash totaling \$10,360 was located in the desk drawer of a detective. Remaining funds were counted at Wachovia Bank totaling \$46,105. We found that the remaining funds of \$46,105 plus removed funds of \$10,360 are \$1,540 higher than the original count indicating that the original count was in error or the amounts removed were overstated. The validity and chain of custody of this evidence is compromised for any future Court case. All of these issues and subsequent findings arose as a result of poor management, poor organizational skills and failure to maintain a clear chain of custody audit trail.

**Recommendation 1:** All evidence items should be organized with proper identification on the bag, envelope or item. All evidence should have a storage location number entered in the Records Management System (RMS) and should be stored in that physical location. All chain of custody changes should be recorded in RMS.

**Recommendation 2:** All cash evidence collected over \$500 should be taken to the current County bank (Wachovia) for count verification by the collecting officer. The bank tape provided should be attached to evidence item as part of the receipt process. All cash should be secured in a separate locked vault area of the evidence room until Court disposition orders are received.

**Recommendation 3:** All vehicles taken as evidence should remain in the Sheriff impound lot until Court disposition orders are received. Green sheets for vehicles that are to be returned to owner or turned over to another agency should have signed receipt attached. Vehicles that are awarded to the Sheriff for use should be added to the County fleet or turned in as surplus for sale on Govdeals.

**Resolutions:** The audit was expanded to inventory all items in the evidence rooms, organize green sheets and organize physical evidence by year. At completion all evidence was turned over to the new Sheriff Administration. Evidence management staff now enters all evidence into RMS, assigns a location number noting that number on evidence items and stores the items in the corresponding shelf location. All chain of custody changes are now entered in the RMS system for audit tracking and proof of evidence control. These new practices will help to prevent the loss of money, drugs, guns and other items as well as maintaining evidence value for future Court trials. RMS is part of the Criminal Justice Information System (CJIS); evidence inventory entry here allows all records regarding a case to be stored in one system providing accountability, accessibility and security control. All cash is now being secured in a separate vault area inside the evidence room and vehicles are remaining in the impound lot until Court disposition orders are received.

### **Expanded Inventory**

**Finding 1:** During the inventory, we found that \$217,769 could not be accounted for or proved to have been turned over to the appropriate state or federal agency. Evidence bags and envelopes containing cash were found in the floor, on shelves and mixed in with other evidence items; loose cash was also found in the floor and on shelves. Many of the bags or envelopes containing cash were in such poor condition that credibility or security of the evidence was in doubt. Cash that was loose on the floor or shelves could not be tied to a specific case and all evidentiary value was lost.

**Recommendation 1:** All cash evidence should be placed in separate evidence bag or envelope, entered as a separate item in RMS, and given a location number. A separate "money" vault should be established in evidence storage area to hold all cash evidence. All cash evidence collected over \$500 should be taken to the current County bank (Wachovia) for count verification by the collecting officer. The bank tape provided should be attached to evidence item as part of the receipt process.

**Recommendation 2:** All Court disposition notices should be attached to green sheets and entered into RMS for all funds turned over to other agencies. An agency representative should provide a signed receipt for all funds accepted from evidence manager; this receipt should be attached to the green sheet and entered into RMS to show the change in chain of custody.

**Resolutions:** The new evidence management staff have created a separate "money vault" room where all cash evidence is stored. Money for each case is placed separately in an envelope with an assigned location that corresponds to a location in the vault. The location is entered along with all other case information in RMS. All dispensation notices and receipts from other agencies

are being attached to green sheets and entered in RMS. All chain of custody changes are being entered in RMS to create an audit trail, make information accessible to all who have clearance in CJIS and prove evidentiary value.

**Finding 2:** We found that 233 handguns and 114 rifles or shotguns could not be located, proved to be destroyed or returned to owner by Court order. Guns were found in barrels, on shelves, on the floor, in wall or file cabinets and in storage tubs. Approximately 150 handguns and 70 rifles or shotguns did not have identification numbers and could not be tied to cases because weapon serial numbers were not consistently entered in the Inventory database. Several calls were received from owners of weapons that had been taken on 50B safekeeping orders during Sheriff Medford's administration requesting the return of the weapons. Many of the safekeeping weapons had never been entered in the Inventory database; therefore locating the weapons took several days.

**Recommendation 1:** The new evidence management staff should create a separate vault or gun storage area. All guns received as evidence or taken for safekeeping should be entered in RMS, given a location number and then stored in the corresponding location in the "gun vault" room. All chain of custody changes should be recorded in RMS to maintain evidence control and evidentiary value.

**Resolutions:** A weapons vault room was established by new evidence management staff. Weapons received as evidence or for safekeeping are entered in RMS, given a location number and are stored in the corresponding location site inside the weapons vault room. All chain of custody changes are being entered in the RMS system to assure proper evidence control, evidentiary value and to assist in location of the evidence item when needed. All Court disposition orders are being attached to the appropriate green sheet to verify destruction or return of the weapons.

**Finding 3:** We found 1,318 green sheets listing amounts of marijuana, cocaine, crack and various pills that could not be located nor proved to be destroyed by Court disposition. Large blocks of marijuana were located on shelves with no identification markings or case numbers. The wrapping of each block had disintegrated to the point that residue was on the shelves. We also found green sheets that had not been entered in the Inventory database with approximately 40 bales of marijuana each weighing 10-15 pounds.

**Recommendation 1:** All drug evidence should be placed in appropriate evidence storage container by collecting officers. The evidence management staff should create a separate drug vault room for proper storage of drug evidence. Each drug evidence item should be entered in RMS, given a location number and then stored in the corresponding location of the "drug room".

**Resolutions:** The new evidence management staff has created a separate vault area for the storage of all drug evidence. Drug evidence is now entered in the RMS system, given a location assignment and is then stored on the corresponding shelf location in the vault room. All chain of custody changes are now entered in the RMS system to prove evidence control and evidentiary value. All Court disposition orders are being attached to the appropriate green sheet to verify destruction of the drugs.

**Finding 4:** We found that approximately 75 percent of the physical evidence stored in the four evidence rooms was in such poor condition that the integrity of the evidence was in doubt. Sixteen rape kits were found with no name, bar code number or case number on them; without this information the kits have no evidentiary value. Evidence bags were torn with some or all of the listed contents missing. Evidence bags containing marijuana, crack and cocaine were open with some or all of the contents missing. Weapons were found with stocks broken and barrels rusted, none of which had been previously noted on green sheets.

**Recommendation 1:** Place all evidence in appropriate storage bags or envelopes with case numbers, location numbers and contents inventory listings printed and attached. Store the evidence in the appropriate area in boxes to assure the security and condition. Annually review the storage packaging to ensure that the evidence is secure and the packaging in good condition. Maintain order in each evidence storage area to protect the integrity of the physical evidence and to enhance the location process for users of the items.

**Resolutions:** Torn or damaged evidence envelopes and bags were placed inside a new bag with case numbers, bar code numbers and names printed on the new bag. Bags are being stored at the assigned location inside boxes to protect the integrity and security of the evidence and to facilitate quick location of items when needed. Condition of storage medium is being reviewed as evidence is rotated out of storage as a result of age or Court disposition records.

**Finding 5:** We found approximately 70 green sheets for evidence collected for homicide and capital cases, safekeeping weapons, large scale drug investigations and questionable missing person cases that had never been entered into the Inventory database. We found approximately 100 green sheets for drug paraphernalia, found items, clothing and tools that also had not been entered in the Inventory database. All items listed on the green sheets could not be located.

**Recommendation 1:** Enter all evidence into RMS at time of receipt. Create a separate storage area for all homicide and capital case evidence that must be retained indefinitely.

**Resolutions:** All evidence collected and submitted to the evidence room is being entered into RMS as received daily. Separate storage lockers have been assigned to the Sheriff for retention of homicide and capital case evidence; all identified evidence of this nature has been moved to the lockers.

**Finding 6:** We found that there were no written policies or procedures in place for the evidence room receipt, removal, return to owner or destruction of physical evidence during the administration of Sheriff Bobby Medford. There were no entry logs maintained with listings of persons and times of entry into the evidence room. All green sheets were not filed and many were not entered into the Inventory database. All chain of custody changes had not been entered onto the original green sheet or into the Inventory database. Clerk of Court disposition orders were not filed with appropriate green sheets. The orders were not entered in the Inventory database nor were the physical evidence items removed from evidence rooms. Evidence types were not separated; gas power equipment and hazardous chemicals were stored in the same area with money and drugs.

**Recommendation 1:** Adopt written policies and procedures for the receipt, storage, removal, return or destruction of physical evidence. Provide training to all officers using the evidence room in the adopted policies and procedures.

**Recommendation 2:** Use RMS to enter and account for all evidence received, removed, returned to owner or destroyed. Attach all Court disposition orders with the appropriate RMS case records. Enter all chain of custody changes in RMS.

**Recommendation 3:** Create a separate evidence storage area for money, drugs, weapons, gas powered equipment and hazardous chemicals.

**Resolutions:** New policies and procedures have been written and adopted by the new Sheriff administration for all areas of evidence collection and storage. Existing evidence storage areas have been renovated to allow the separate storage of money, drugs, weapons, gas powered equipment and hazardous chemicals. All evidence collections are now being entered in RMS along with any chain of custody changes. All Court disposition orders are being matched to the RMS case files and the orders are being carried out for destruction or return to owner. Officers continue to receive training in evidence procedure and the use of RMS.

## **Key Contacts**

Pat Freeman and staff of Identification Bureau  
Johnny King and the staff of Centralized Data Entry  
Donna Clark and the staff of Finance  
Kate Dreher, Assistant District Attorney